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## U.S. Govt., XTO Energy reach settlement in 'fracking' pollution case

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By Jon Campisi

A settlement has been reached in a case in which the U.S. government had accused

an energy company involved in natural gas exploration of violating the Clean Water Act with its activities in north-central Pennsylvania.

The U.S. Attorney's Office for the Middle District of Pennsylvania announced on July 18 the settlement with the Environmental Protection Agency and Justice Department and XTO Energy Inc., a subsidiary of Exxon Mobil Corp.

The settlement agreement resolves allegations that XTO Energy discharged wastewater from its Penn Township, Lycoming County facility used for the storage of wastewater generated by hydraulic fracturing, a process commonly referred to as "fracking."

As per the terms of the settlement, XTO will pay a civil penalty of \$100,000 to the federal government and spend an estimated \$20 million on a comprehensive plan to improve wastewater management practices to recycle, properly dispose of, and prevent spills of wastewater generated from natural gas exploration and production activities in Pennsylvania and West Virginia, the U.S. Attorney's Office stated.

As part of the agreement, the company will be required to install a continuous, remote monitoring system for all of its permanent production in Pennsylvania and West Virginia with alarms that would sound in the event of any future spills.

XTO will also have to implement a program to actively monitor interconnected wastewater storage tanks located in those two states, according to the prosecutor's office.

"Today's settlement holds XTO accountable for a previous violation of the Clean Water Act and requires operational changes and improved management practices to help ensure the safe and

responsible handling of wastewater produced during natural gas exploration and production activities,” Robert G. Dreher, Acting Assistant Attorney General for the Justice Department’s Environment and Natural Resources Division, said in a statement. “The Justice Department is committed to ensuring that our natural resources are developed in an environmentally responsible manner.”

The pollutant discharge was discovered by employees with the Pennsylvania Department of Environmental Protection during a site inspection of the Penn Township facility, according to the U.S. Attorney’s Office in Harrisburg.

At the time, an inspector observed wastewater spilling from an open valve from a series of interconnected tanks, the prosecutor’s office announced.

Pollutants from the wastewater release were eventually found in a tributary of the Susquehanna River basin, with the EPA and the state DEP subsequently determining that the wastewater that had been stored in the tanks at the Penn Township facility contained the same types of pollutants – chlorides, barium, strontium, and total dissolved solids – that were discovered in the surface waters.

Under the settlement with the federal government, the prosecutor’s office stated, the improvements to XTO’s wastewater management are estimated to reduce discharges of total dissolved solids by 264 million pounds during the course of the next three years.

The estimated reductions are attributed to the fact that the energy company will increase wastewater recycling and properly dispose of wastewaters generated by its natural gas extraction activities taking place throughout the mid-Atlantic.

“The operational improvements required by today’s settlement will help to protect precious surface and drinking water resources in Pennsylvania and West Virginia,” Cynthia Giles, assistant administrator for the EPA’s Office of Enforcement and Compliance Assurance, said in a statement. “EPA continues to push for responsible development of domestic sources of energy and to insist that companies play by the rules that protect public health.”

In his own statement, Peter J. Smith, the U.S. Attorney for the Middle District of Pennsylvania, said that the settlement agreement establishes a program of best practices that should serve as a model for the natural gas industry and, if followed, “will give a level of assurance to the people of the Commonwealth that their waters will be protected.

“This settlement is in the long-term best interest of the taxpayers, the industry, and our children,” Smith stated.

The consent decree is subject to a 30-day public comment period and court approval.

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